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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,376	11/21/2003	Corneliu I. Lupu	MSFT122045	3589
26389 7590 05/02/2007 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER CAO, DIEM K	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/719,376

Applicant(s)

LUPU, CORNELIU I.

Examiner

Diem K. Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/1/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-4,6-9, and 11-14 are presented for examination. Applicant has amended claims 1, 2, 4, 6, 7, 9, 11,12, 14 and canceled claims 5, 10 and 15.

#### *Double Patenting*

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 4, 6, 9, 11 and 14 are rejected on the ground of nonstatutory double patenting over claims 1-3 of U. S. Patent No. 6,721,950 B1 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: a method of redirecting an input message to a redirected application that has that has at least one of its windows redirected, comprising determining if the input message is directed at

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a redirected application, intercepting the message if the message is directed to the redirected application, if required, transforming the input message to correspond to the location of the actual application window that has been redirected, and redirecting the input message to the redirected application.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 6, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Spilo et al. (U.S. 6,298,422).**

It is noted that the Examiner interprets the limitation "the location of the actual application window that has been redirected" is the memory address of the window application having at least one of its windows redirected.

As to claim 1, Spilo teaches redirecting an input message (messages and broadcasts sent by ... has been installed; col. 4, lines 50-56) to a redirected application (minimized and suspended application; col. 4, lines 1-7) that has at least one window redirected (minimized window; col. 4, lines 1-7), comprising

- determining if the input message is directed at a redirected application having at least one of its windows redirected (minimized application continues ... has been installed; col. 4, lines 50-56)

- intercepting the input message if the input message is directed at the redirected application (the window procedures ... any messages received; col. 5, lines 1-20 and call back procedures ... intercepted by the invention; col. 5, lines 27-26)

- if required (messages that are critical or private to the application), transforming the input message to correspond to the location of the actual application window that has been redirected if directed at that redirected application (are preferably passed through ... properly; col. 4, lines 50-67 and the window procedures ... a procedure that analyzes any messages received; col. 5, lines 1-6 and program segments are monitored ... intercepted; col. 5, lines 27-59)

- redirecting the input message to the redirected application if the input message is directed at the redirected application (messages that are critical ... properly; col. 5, lines 50-67).

As to claim 6, it is the same as the method claim of claim 1 except it is a computer product claim.

As to claim 11, it is the same as the method claim of claim 1 except it is a computer system claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 4, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spilo et al. (U.S. 6,298,422).**

It is noted that the Examiner interprets the limitation "the location of the actual application window that has been redirected" is the memory address of the application having at least one of its windows redirected.

As to claim 4, Spilo teaches a redirected application (minimized and suspended application; col. 4, lines 1-7) that has at least one of its windows redirected (minimized window; col. 4, lines 1-7), installing at least one hook (hook; col. 3, lines 48-67 and fault handler; col. 7; lines 1-16), determining if the input messages (messages and broadcasts sent by ... has been installed; col. 4, lines 50-56) are directed at said at least one window of the redirected application (minimized application continues ... has been installed; col. 4, lines 50-56), if required (messages that are critical or private to the application), transforming the input messages to correspond to the actual location of the at least one window of the redirected application (are

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preferably passed through ... properly; col. 4, lines 50-67 and the window procedures ... a procedure that analyzes any messages received; col. 5, lines 1-6 and program segments are monitored ... intercepted; col. 5, lines 27-59), and sending the input messages to the redirected application (application (messages that are critical ... properly; col. 5, lines 50-67).

However, Spilo does not explicitly teach receiving input messages by the hook, Spilo teaches a hook is installed to intercept the input message to determine if the application has been minimized by the users (Shell Event system callback hook; col. 3, lines 48 – 67). It would have been obvious to one of ordinary skill in the art the input messages to the redirected application could also be intercepted by using hook because hooks are widely used in the Window environment to debugging or enhancing functionality.

As to claim 9, it is the same as the method claim of claim 4 except it is a computer product claim.

As to claim 14, it is the same as the method claim of claim 4 except it is a computer system claim.

**8. Claims 2-3, 7-8, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spilo et al. (U.S. 6,298,422) in view of Liu (U.S. 5,898,419).**

As to claim 2, Spilo teaches checking if an application has been redirected (a test is performed ... an application; col. 4, lines 8-13), determining if the input message occurred over a

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redirected application (messages and broadcasts sent by ... has been installed; col. 4, lines 50-56 and minimized application continues ... has been installed; col. 4, lines 50-56).

Although Spilo doesn't teach checking an indicator, it would have been obvious there is an indicator in the invention to know if the application has been suspended by the users.

However, Spilo doesn't teach determining if the input message occurred over a window of the redirected application. Liu teaches a window of an application has been redirected (col. 4, line 58 - col. 5, line 38), and determining if the input message occurred over a window of the redirected application (col. 6, lines 29- 65).

It would have been obvious to one of ordinary skill in the art to apply the teaching of Liu to the system of Spilo because redirected application could still receive messages and/or requests directed to it.

As to claim 3, Spilo teaches obtaining the location of the input message (messages and broadcasts ... the data of the application; col. 4, lines 50-67), obtaining the location of the actual application that has been redirected (regular access to the memory that comprises the application; col. 5, lines 27-59), creating a transform to change the location of the input message to the location of the actual application (the window procedures ... any message received; col. 5, lines 1-20 and messages that are critical ... functioning properly; col. 4, lines 64-67), and applying the transform to the input message (messages that are critical ... functioning properly; col. 4, lines 64-67).

As to claims 7 and 12, refer to claim 2 above for rejection.



As to claims 8 and 13, refer to claim 3 above for rejection.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K. Cao whose telephone number is (571) 272-3760. The examiner can normally be reached on Monday - Friday, 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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April 23, 2007

  
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